

LABOUR DEPARTMENT

The 31st July, 1979

No. 11(112)-3Lab-79/8192.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s. Maheshwari Fastners (P) Ltd., Faridabad.

BEFORE SHRI BABU RAM GOYAL,
PRESIDING OFFICER, LABOUR
COURT, HARYANA
ROHTAK

Reference No. 14 of 1977.

SHRI BIRGOO LAL, WORKMAN AND
THE MANAGEMENT OF M/S
MAHESHWARI FASTNERS
(P) LTD., FARIDABAD

Present :

Shri P. K. Dey, for the workman.
Shri S. L. Gupta, for the management.

AWARD

By order No. ID/FD/942-A-77/22059, dated 4th June, 1977 the Governor of Haryana referred the following dispute between the management of M/s. Maheshwari Fastners Pvt. Ltd., Faridabad and its workman Shri Birgoor Lal to this Court for adjudication, in exercise of the powers conferred by clause (c) of subsection (1) of section 10 of the Industrial Disputes Act, 1947:—

“Whether the termination of services of Shri Birgoor Lal was justified and in order ? If not, to what relief is he entitled ?”

On receipt of the order of reference notices were issued to the parties to file their pleadings. The workman alleged in his claim statement that other workers were being paid at the rate of Rs. 6.80 per day while the workman was being paid at the rate of Rs. 5.56 per day and the worker and four other helpers who were being paid Rs. 5.56 per day approached the management to pay at par with other helpers. When the workman took leading part in espousing their cause and the management became aggrieved and charged him on 11th September, 1975 levelling certain false and vague charges

and subsequently suspended him for indefinite period till further orders. The workman replied the charge-sheet denying the allegations and alleging mala fides on the part of the management, false and improper domestic enquiry was held by their letter dated 11th October, 1975 and dismissed the workman with retrospective effect i.e. 11th September, 1975. The workman alleged the findings to be perverse one sided and biased and prayed his reinstatement with full back wages. The management in their written statement denied the allegation and stated that the workman was charge-sheeted on account of certain serious act of mis-conduct on 11th September, 1975 and his explanation was found unsatisfactory. A domestic enquiry was held and the workman fully participated in the enquiry proceedings cross-examined the witnesses and led defence evidence and copies of enquiry proceedings were supplied to him simultaneously. As such charges levelled against him were fully proved and he was dismissed from service by letter dated 11th October, 1975. The management alleged that the enquiry held against the workman to be fair and proper and in accordance with the principles of natural justice. They also took the pleas of the workman being gainfully employed and prayed for dismissal of the workman's case. The workman did not file any rejoinder. On the pleadings of the parties the following issue:

1. As per reference was framed by my learned predecessor on 15th December, 1977 and fixed the case for evidence of the management. The management did not produce their evidence on the first date as their enquiry officer was appearing in law examine and prayed for adjournment and the case was fixed for 6th February, 1978 when the management produced the original enquiry file and examined Shri R. Gogna, Legal Officer of the management as M.W. 1 and tendered the order of dismissal Exhibit M-7 in support of their case and closed their evidence. The Enquiry Officer deposed that he was appointed as an Enquiry Officer by the management through letter Exhibit M-1 for holding an enquiry against the workman into the charge-sheet Exhibit M-2 and exhibited the explanation of the workman Exhibit M-3.

He stated that he allowed full opportunity to the workman to take part in the enquiry and exhibited enquiry proceedings as Exhibit M-4 which was conducted by him and made his signature and testified the same to be correct. He also stated that the workman appeared on every date and signed the enquiry proceedings and cross-examined the witnesses examined by the management and produced his own witness in his defence. He exhibited the enquiry report as Exhibit M-5. In cross-examination he admitted application Exhibit M-1 submitted by the workman for permission to be represented in the enquiry proceedings by Shri Mohan Lal and admitted that no order on that application was passed by him and does not bear any order by the management concerned but alleged that the management declined to grant permission and produce letter Exhibit M-6. No permission for grant of permission for representation was addressed to the Enquiry Officer and stated that application Mark "A" was never submitted before him. He denied the suggestion to be incorrect that Shri Nirmal Singh was not actually examined in his presence or that Shri Jagir Singh did not appear before him. The workman appeared as his own witness on 10th March, 1978 and made the following statement.

WW-1 Shri Bharru Lal, workman, as his own witness on S.A.

"I joined the services of the management in May, 1972 or May, 1973 as a machine operator on wages of Rs. 5.50 p. per day. I had filed the reply of the charge-sheet served on me. No complaint was ever made against me before I was served with the charge-sheet. The charge-sheet served on him was false. The witnesses who appeared against me before the Enquiry Officer gave false statement".

Cross-examination nil and he closed his case. The order, dated 10th March, 1978 did not show as who was present on behalf of the management or the workman. Though statement of Shri N. S. Gill as representative of the workman for closing his case is recorded and it cannot be said whether representative of the management was present or not. If he was present he chose not to cross-examine. Charge-sheet, dated 11th September, 1975, Exhibit M-2, is addressed to Shri Birgo

Lal, son of Shri Babu Lal, helper, is signed by the workman noting in Hindi as having received the original on 11th September, 1975. The gist of the charge-sheet is that Shri Jagir Singh supervisor has reported that on 6th September, 1975 at 2.00 p.m. workman Shri Birgo Lal was asked to do chamfer work on machine to which the workman replied that he was a helper and will not work on the machine. He was asked to do babri work even then he refused to work and said that this was also a machine work which he will not touch and he was only a helper and has been doing the work of shifting boudles and he will only do that work. The workman wasted the whole time by standing by the side of the machine. Shri Nirmal Singh, Foreman, asked the workman to shift boudles on 8th September, 1975 around 8.40 A.M. The workman refused to shift the boudles and tried to incite other workers and wasted time by loitering. The workman along with Shri Gorakh Singh told other workers that they were helpers and the helpers will not work on machine and stating that no one can remove them from the service as they were permanent and any body acting against them will be dealt properly outside the factory gate. This amounted to indiscipline and serious mis-conduct and the workman was required to submit his explanation within 24 hours failing which legal action will be taken. The workman was suspended till further orders.

The workman submitted his explanation, dated 12th September, 1975 which is Exhibit M-3 wherein he stated that the charge-sheet was baseless and wrong. The workman did not refuse to do any work asked to him and has been doing his duty with full responsibility and denied to have incited other workers. He alleged that in fact they have complained to the Labour Inspector for the payment of minimum wages fixed by the Government and the management as conspired with their officers to take revenge against the workman and this false charge-sheet has been served on him. He requested the management for withdrawing the charge-sheet and taking the workman on duty otherwise the management will be responsible for all the consequences. After receipt of the explanation the management appointed Shri R. Gogna, Labour Law Advisor as Enquiry Officer

by their letter, dated 15th September, 1975, Exhibit M-1. The Management addressed this letter to the workman and copy sent to Shri R. Gogna wherein it was stated that the explanation dated 12th September, 1975 submitted by the workman was not found satisfactory and the management has decided for holding domestic enquiry and appointed Shri R. Gogna as Enquiry Officer, who will hold the enquiry proceedings on 19th September, 1975 on 2.00 p.m. in the factory office and directed the workman to participate in the enquiry otherwise ex parte proceedings will be taken. It was also stated that if the workman did not take part in the enquiry proceedings he will not be paid suspension allowance. The proceedings postponed from 19th September, 1975 to 20th September, 1975 and 20th September, 1975 to 25th September, 1975,—vide letter dated 19th September, 1975 (placed in the enquiry file but not exhibit) and letter dated 20th September, 1975 Exhibit M-6 which have been received by the workman and bears his signatures in token of receipt of same. Exhibit M-6 is a letter through which the management refused permission to the workman to be represented by Shri Mohan Lal an outsider and allowed the workman to bring some co-worker along with him as his representative and also informed him that the management had adopted the Model Standing Orders which were available in the market and also informed him that the copies of the enquiry proceedings will be supplied to the workman immediately after the proceedings every day, and directed the workman to take part in the proceedings on 25th September, 1975 in the management's office at 2.30 p.m. According to the enquiry proceedings Exhibit M-4, the workman took part on 25th September, 1975 in the proceedings when Shri Nirmal Singh Virdi as the representative of the management, Birgoor Lal, workman himself Shri R. Gogna, Enquiry Officer and Shri A. R. Narwa scriber of the enquiry proceedings were present and signed the proceedings. The charge-sheet was read over to the workman who denied the allegations and wanted to be represented by Shri Ambika Parshad who was allowed to take part in the proceedings. Statement of Shri Amrik Singh, Operator, was recorded as MW-1

and narrated the allegations levelled in the charge-sheet. The statement is signed by the workman and his representative Shri Ambika Parshad along with Shri R. Gogna and Nirmal Singh and A. R. Narwa and the witness himself. The workman and his representative refused to cross-examine the witnesses and signed the proceedings recorded to this fact, and the enquiry was adjourned to 27th September, 1975, for 3.00 p.m. On 27th September, 1975 at 3.00 p.m. Sarvshri A. R. Narwa, Nirmal Singh, Birgoor Lal, Ambika Parshad and R. Gogna were present when statement of MW-2 Shri Surinder Pal was recorded who supported the management. The workman refused to cross-examine the witness. The Enquiry Officer put one question to the witness and the witness replied that Shri Birgoor Lal told him while working over time and during lunch that they are employees of three years and nobody would take action against them. M.W.-3 Shri Jagir Singh corroborated allegations made against the workman. The workman was required to cross-examine the witness but he refused to cross-examine. The statement is signed by the workman and his representative along with others. Shri Tirlok Ram M.W. 4 and Shri Nirmal Singh, M.W. 1, were also examined by the management and they also corroborated the statements of earlier witnesses and the allegations levelled in the charge-sheet and the workman refused to cross-examine these witnesses also. Their statements also signed by the workman and representative of the workman and others after the closing of the evidence of the management. Shri Birgoor Lal was directed to produce his defence witnesses and statement of Shri Ambika Parshad as W.W. 1, Shri Shiv Shanker W.W. 2 and the witness himself W.W. 3 appeared as defence witnesses. W.W. 1 stated that he was also an employee of the management for the last two years and on 6th September, 1975 Shri Birgoor Lal was working on Jaimal machine up to lunch and after that he started doing babri work as the work on Jaimal machine was stopped for want of material. He also stated that the workman has been doing work properly on 8th September, 1975 also, the workman gave full duty. In cross-examination he stated

that Shri Birgoo Lal did work on Jaimal machine and he refused to do any work. W.W. 2 stated that he was working with the management for the last 10 months and workman Shri Birgoo Lal worked on machine on 6th September, 1975 upto lunch and then did babri work up to 5.00 p.m. as there was no material on the machine. The workman worked on 8th September, 1975 also on machine. He did not incite the co-workers. In cross-examination he could not state on which machine Shri Birgoo Lal worked on 8th September, 1975. He could not say on which machine Birgoo Lal worked on 6th September, 1975 up to lunch as he did not know the name of the machine but stated that after lunch he did babri work. The machine on which Birgoo Lal was working before lunch is at the distance of 8/10 yards from his place of work. Birgoo Lal did not refuse to do chamfer work on 6th September, 1975. The workman in his own statement stated that on 6th September, 1975 he worked on Jaimal machine up to 12.30 p.m. and when the material was finished he starting doing babri work. When he was doing babri work Shri Jagir Singh came to him and enquired what he was doing to which he replied that material on his machine has been finished and he was doing babri work. There was no other talk and Shri Jagir Singh left. He did his work up to 5.00 p.m. On 8th September, 1975, he started work on autotapino machine and after some time he went to Shri Nirmal Singh and told him that he was doing the work of the management for last three years and the management has increased the wages of other workers why they have not increased his wages to which S. Nirmal Singh replied that if he talked too much he will be pushed outside the factory after thrashing. This incident took place around 9.30 a.m. after that he was not allowed to work. At that time Shri Gorakh Singh was with him. Nothing happened afterwards. In his cross-examination, he stated that he could not name the material prepared by him on Jaimal machine on 6th September, 1975. On 8th September, 1975, he did taping on half inch nuts. He denied Shri Nirmal Singh's asking for shifting of bundles and said that he had gone to him for enquiry about increase

in his wages. These statements were signed by Shri Birgoo Lal and his representative Shri Ambika Parshad and all others concerned. The Enquiry Officer noted in the proceedings that management has produced all the witnesses to whom he refused to cross-examine and the workman also produced all his defence witnesses and the workman does not want to produce any more witness. The enquiry proceedings were, therefore, closed and a copy of the proceedings supplied to the workman. This statement is also signed by the workman and he has written about his signatures that he has received a copy of the proceedings.

Enquiry Officer submitted his enquiry report, dated 9th October, 1975, which is exhibit M-5 wherein he has discussed the evidence produced before him and has given his full reasoning for coming to the conclusion and found the workman guilty of the charges levelled against him and sent the enquiry file back to the management along with the enquiry report for their information. The management after considering enquiry report issued dismissal orders, dated 11th October, 1975, exhibit M-7. Exhibit M-7 states that this order is reference to the domestic enquiry held in respect of the charge-sheet, dated 11th September, 1975. The Enquiry Officer has held the workman guilty of the charges levelled against him. The management has considered the report of the Enquiry Officer and after its consideration, the management agrees with the report of the Enquiry Officer and the management has decided that the workman is dismissed from his services with effect from today, dated 11th September, 1975. The workman was directed to clear his account and receive his arrears on any day. The dismissal order has been signed by the Works Manager. The domestic enquiry proceedings has been conducted in keeping with the principles of natural justice and full opportunity was offered to the workman to defend himself. All the witnesses of the management corroborated allegations against the workman levelled in the charge-sheet served on him. The workman did not cross-examine the witnesses. The defence witnesses produced by him could not substantiate their statement

made in examination-in-chief when these were cross-examined. The defence witnesses stated that the workman gave full duty on 8th September, 1975 but workman himself admitted that he worked up to 9.30 a.m. only on 8th September, 1975. The workman's best defence witness would have been Shri Gorakh Singh, who was alleged to be with the workman while making his statement before the Enquiry Officer, but he has not been produced either before the Enquiry Officer or in the court. The enquiry is fair and impartial and the conclusions drawn by the Enquiry Officer are in order.

The dismissal order, Exhibit M-7, dated 11th October, 1975 is a little ambiguous about the date of dismissal, with effect from 11th September, 1975 as word used in the letter issued on 11th October, 1975 is that the workman is dismissed today, dated 11th September, 1975. It appears that the date 11th September, 1975 has been written inadvertently 11th October, 1975, i.e., date of the issue of this letter and is a clerical error as no questions have been put in respect of this error and no clarification given about this date. I hold this date to be 11th October, 1975, from which date dismissal order purport to take effect. In these circumstances and in the light of the above discussion on the domestic enquiry, I answer this reference and give my award that the termination of service of the workman as per domestic enquiry was justified and in order taking effect from 11th October, 1975 and the workman is not entitled to any further relief.

BABU RAM GOYAL,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

Endorsement No. 1445, dated 20th July 1979.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

BABU RAM GOYAL,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 11(112)-3Lab-79/8193.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s. New Popular Hosiery, D.L.F., behind Canal Office, Partap Nagar, Rohtak:—

BEFORE SHRI BABU RAM GOYAL,
PRESIDING OFFICER,
LABOUR COURT,
HARYANA, ROHTAK.

Reference No. 105 of 1976
between

SHRI MAHA SINGH, WORKMAN AND
THE MANAGEMENT OF M/S. NEW
POPULAR HOSIERY, D.L.F., BEHIND
CANAL OFFICE, PARTAP NAGAR,
ROHTAK.

Present:

Shri S. N. Vats, for the workman.
Shri Surrinder Kaushal, for the
management.

AWARD

By order No. RK/437-A-76/46057, dated 11th December, 1976, the Governor of Haryana referred the following dispute between the management of M/s. New Popular Hosiery, D.L.F., behind Canal Office, Partap Nagar, Rohtak, and its workman Shri Maha Singh, to this Court, for adjudication, in exercise of the powers conferred by clause (c) of subsection (1) of section 10 of the Industrial Disputes Act, 1947 :—

“Whether the termination of services of Shri Maha Singh, was justified and in order ? If not, to what relief is he entitled ?

On receipt of order of reference notices were issued to the parties. The parties appeared and filed their pleadings. The workman in his claim statement alleged that he was employed with the respondent, M/s. New Popular Hosiery, D.L.F., behind Canal Office, Partap Nagar, Rohtak, for the last about two years on Rs. 240 per month when the respondent terminated his services, with effect from 25th June, 1976, without any notice and that the termination was illegal and he was entitled to re-instatement alongwith back wages. The management in their

written statement alleged that the respondent was a petty establishment registered under the Shops and Commercial Establishment Act and the proprietor employed as a petty muneem, who installed hosiery knitting machines in his residence for some extra income. The workman absented himself, with effect from 12th August, 1976, without any intimation, oral or written, because of remonstration for his trespassing residential portion by jumping over boundary wall in a drunken condition. He also raised objections about competency of Shri S. N. Vats to represent the workman. It was asserted that the claim has not been properly submitted to the Labour Court. The claim petition is bad for want of address of the claimant. The workman used to work in other factories while working with the respondent and the workman had been putting different claims on different occasions and the reference was not maintainable. On the pleadings of the parties, the following issues were framed by my learned predecessor on 4th October, 1977. He also stated that the management has since been closed down :—

- (1) Whether Shri Maha Singh, workman, absented himself from duties, with effect from 12th August, 1976, without prior permission of the management concerned, and continued to do so thereafter ? If yes, to what effect.
- (2) In case of non proof of issue No. 1 as per reference ?
- (3) Whether the management concerned closed their business ? If yes, when and to what effect?
- (4) Whether the reference is bad in law for the reasons stated in paragraphs 1, 2, 4, 7 and IV of the additional pleas ?

The case was fixed for the evidence of the management. The management produced their evidence on 8th November, 1977. Shri Tansukh, proprietor, of the respondent-management appeared as M.W.-1 and stated that he installed sewing machines in his residence in the year 1975 and Shri Maha Singh, workman, and two

other persons worked as his employees on the machines from February, 1975 to 12th August, 1976. He started absenting himself from duty without permission, with effect from 12th August, 1976 and continued to do so till 31st August, 1976 whereafter his name was not taken to next month. One of the other workmen, Shri Hari Singh alias Chotu started absenting with effect from 14th August, 1976 and never came back. The only another remaining workman Shri Shyam Lal also left the management, with effect from 12th September, 1976 resulting in the closure of the business. The respondent was employed as a petty muneem in six different firms at part time basis and did not know the working of machines as he had employed Shri Maha Singh solely with the aim to getting the machines run by him. The business was closed when the persons employed on the machine left and financial condition of the respondent also did not allow to carry on business of hosiery. He produced attendance register of employees, Exhibit M-1 which relates to the period 17th July, 1976 when the shop was got registered under the Shops and Commercial Establishment Act. He stated that Maha Singh started absenting as he asked him not to come to his residence while drunk. In his cross-examination he admitted that the matter has not been taken by the Conciliation Officer, who recorded his statement. He denied to have ever declined to keep the workman and to have terminated the services. M.W.-2 Shri Bhagat Ram Dhingra, son of the respondent also appeared as witness and stated that he was employed as an Engineer in Nav Bharat Industries at Rohtak. The family members did not know about the hosiery work and Shri Maha Singh, workman, was employed to run the business who also brought other employees. He deposed that Maha Singh used to take liquor while at work and this was objected to by the witnesses. As the residential house was occupied by his family members including young sisters when the workman trespassed the residential portion in drunken condition and he was remonstrated. He seems to have felt aggrieved and started absenting from duty.

The other employee also started absenting probably at the instance of the workman. In his cross-examination, he denied any knowledge about the hosiery work and never checked the work. The working hours of the hosiery were 9.00 a.m. to 5.30 p.m., and his own duty hours were 9.00 a.m. to 7.00 p.m., but alleged that he was seen drinking while on duty whenever the witness happened to be on leave or happened to come to his house even otherwise during duty hours. He denied the suggestion that his father wanted Maha Singh, workman, to work on contract basis and on the refusal of the workman his father terminated the services of the workman. Shri Maha Singh produced Shri Shanker Dyal, W.W. 1 and Shri Girdhara Singh, W.W. 2 and appeared as his own witness as W.W. 3. Shri Shanker Dyal, W.W. 1, stated that he along with Maha Singh, workman, were employees of the management when Shri Maha Singh was employed from 7th February, 1975 and witness himself from 8th February, 1975 and the management terminated their services on 26th August, 1976. He alleged that his services were terminated by way of retrenchment on account of shortage of work. He stated that Shri Tansukh proprietor of the management had no experience in the hosiery line. He alleged that the proprietor levelled the charge of drinking during the working hours and other charges falsely to terminate his services as the witness never saw the workman drinking or Shri Tansukh never made any such complaint to him. In his cross-examination he admitted the duty hours from 9.00 a.m. to 5.00 p.m. He also admitted the facts of Shri Tansukh being employed as a munim in Sabzi Mandi, Rohtak. As there are three demand notices placed on the file one dated 22nd September, 1976, received with the reference in which the date of termination is shown, as 25th June, 1976 marked 'X'. Later on exhibited as Exhibit M-A, dated 1st March, 1977 in which he states date of termination as 25th August, 1976 and third one, dated 22nd September, 1976, Exhibit M-C in which the date of termination is written, 25th September, 1976. The witness was shown these three demand statements showing different dates of termination written by

the workman. The witnesses demand workman's signature on the demand notice, received with the reference and admitted the signatures on demand notice, dated 1st March, 1977, which is Exhibit M-A and also admitted signatures on Exhibit M-C. He stated that he visited the factory on the third date being his retrenchment for receiving his wages and never visited the factory thereafter. He admitted that three machines to be installed in the residence of the respondent. He alleged that five workmen were employed and he named them to be Maha Singh himself, Jagdish, Prem and one another person whose name he has forgotten but admitted that there were only three machines and one machine could be worked by one workman. He denied that factory has been closed down. Other witness W.W. 2, Shri Girdhara Singh, Sarpanch of the village Kisrati, to which the workman belong stated that the workman was a man of good moral character and he never saw him drunk but admitted that he was not in the company of the workman all the time. Shri Maha Singh while appearing as his own witness, W.W. 3, stated that he was employed on 7th February, 1975 and besides him Sarvshri Shanker Dyal, Chotu, Prem, Jagdish and one another person were employed in the factory. The management wanted him to work on contract basis and on his refusal retrenched my services alongwith Shri Shanker Dyal, W.W. 1, saying that the work load did not warrant their continuance in service. He was drawing Rs. 450, per month as wages plus Rs. 30 as house rent and alleged that his services were terminated on 25th August, 1976 or 26th August, 1976. He stated that he never drunk in his life. He stated that his services were terminated without any enquiry or notice and no retrenchment compensation was paid. The demand notice received with the reference which was marked 'X' was exhibited by him, Exhibit M-E and admitted his signatures on all the three notices about his demand submitted on different dates and closed his case on 4th April, 1978. After a number of adjournments the case came up before me on 31st May, 1979, when Shri S. N. Vats

for the workman and Shri Surinder Kaushal for the management argued the case. I have heard the argument of the parties and gone through the documents produced before me and the statement of the witnesses of the parties. Accordingly I gave my issuewise findings as under :—

ISSUE No. 1 & 2 :

Shri Kaushal drew my attention to the demand notice, dated 25th September, 1976, exhibit M-C received with the reference in which the date of termination is written as 25th June, 1976. He argued that there is no question of termination of his services of the workman and on the basis of the statement and attendance register and claim statement of the workman himself it is clear that the date of termination written in the demand notice received with the reference apparently wrong. He alleged that the workman was very much in the service of management on and after 25th June, 1976 up to 11th August, 1976 when he started absenting with effect from 12th August, 1976 and never came back on duty after that date. In the claim statement the workman change his date of termination as 25th August, 1976, instead of 25th June, 1976. In fact in the rejoinder, dated 4th October, 1977, filed by the workman he has given clarification that the date of termination was 25th August, 1976 and any other different date written in any document was typing and clerical mistake. In the attendance register the workman is marked present up to 11th August, 1976 only and he has been shown as absent with effect from 12th August, 1976. The statement of M.W. 1 and M.W. 2 also corroborate the entries in the attendance register. Rebuttal evidence of W.W. 1 is not helpful to him as he states the date to be 26th August, 1976, as he states the date of termination to be 26th August, 1976 when the witness was also removed from service on the same date. Because he is an interested witness against the management, the workman himself also not fruitful as he alleges in his demand notice as well as in his claim statement and his rejoinder to be employed with the

management for two years when according to his own statement admittedly he denied the statement, with effect from 7th February, 1975. It is admitted that the proprietor was employed as a part-time munim and did not know the hosiery business and Shri Maha Singh was solely for running his business and also that after the leaving of the workman the business is lying closed down. Any prudent proprietor of any management would not terminate the services of an employee on whom the running of very business depended without having made any alternative arrangement. No other arrangement is alleged to have been made and rather it has been proved at the business has been closed down. There is very reason to believe that the workman absented himself from 12th August, 1976 and also took away the other employees with him thereby causing the closure of the business. Issue No. 1 is proved in favour of the management. The fact of this issue being decided in favour of the management is that Issue No. 2 become redundant.

ISSUE No. 3 :

M.W. 1 & 2 has stated in their examination in chief that after Shri Maha Singh absenting himself on 12th August, 1976, the other employees also left one by one. The business has been closed down since 12th September, 1976 as no other workman was engaged by the management. No rebuttal evidence has been produced. The workman himself has admitted that he never visited the factory since the date of his termination, and W.W. 1 states that he visited the factory on the third day after his termination and never visited thereafter. They have not alleged any other workman has been employed by the management. There is no reason to disbelieve the statement of the proprietor about the closure of the business since 12th September, 1976 and the fact is that no demand for reinstatement could be made through demand notice, dated 22nd September, 1976.

ISSUE No. 4 :

The management did not press on issue No. 4 and no arguments were

addressed on this point and, therefore, no finding of this issue is called for. In view of my findings is in Issue No. 1.

In these circumstances I answer this reference and gave my award that the management did not terminate the services of the workman, but the workman himself started absenting himself from duty, with effect from 12th August, 1976 which resulted in the abandonment of his job and the workman is not entitled to any other relief.

Dated the 10th July, 1979.

BABU RAM GOYAL,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 1741, dated 20th July, 1979.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

BABU RAM GOYAL,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

H. L. GUGNANI,
Secretary to Government Haryana,
Labour and Employment Department.

राजस्व विभाग

युद्ध जागीर

दिनांक 8 अगस्त, 1979

क्रमांक 1166-ज(I)-79/32789.—पूर्वी पंजाब युद्ध पुरस्कार अधिनियम, 1948 (जैसा कि उसे हरियाणा राज्य में अपनाया गया है और उस में आज तक संशोधन किया गया है) की धारा 2(ए)(1ए) तथा 3(1ए) के अनुसार सौंपे गये अधिकारों का प्रयोग करते हुए हरियाणा के राज्यपाल श्री सरदार सिंह, पुत्र श्री अमीर सिंह, गांव पतरेहड़ी, तहसील नारावणगढ़, ज़िला अमौला, को रबी, 1973 से 150 रुपये वार्षिक कीमत वाली युद्ध जागीर सनद में दी गई शर्तों के अनुसार सहर्ष प्रदान करते हैं।

क्रमांक 1167-ज(I)-79/32793.—पूर्वी पंजाब युद्ध पुरस्कार अधिनियम, 1948 (जैसा कि उस हरियाणा राज्य में अपनाया गया है और उसमें आज तक संशोधन किया गया है) की धारा 2(ए) (1ए) तथा 3(1ए) के अनुसार सौंपे गये अधिकारों का प्रयोग करते हुए हरियाणा के राज्यपाल निम्नलिखित व्यक्तियों को वार्षिक कीमत वाली युद्ध जागीर उनके नाम के सामने दी गई फ़सल तथा राशि एवं सनद में दी गई शर्तों के अनुसार सहर्ष प्रदान करते हैं:—

क्रमांक	ज़िला	जागीर पाने वाले का नाम	गांव व पता	तहसील	फ़सल/वर्ष जब से जागीर दी गई	वार्षिक राशि
1	2	3	4	5	6	7
1	हिसार	श्री परस राम, पुत्र श्री पन्ना राम	जखौद खेड़ा	हिसार	रबी, 1973 से	150
2	"	श्री ज्ञानी राम, पुत्र श्री जागर सिंह	मिर्चपुर	हांसी	रबी, 1966 से रबी, 1970 तक खरीफ, 1970 से	100 150

क्रमांक 1191-ज(I)-79/32797.—पूर्वी पंजाब युद्ध पुरस्कार अधिनियम, 1948 (जैसा कि उसे हरियाणा राज्य अपनाया गया है और उसमें आज तक संशोधन किया गया है) की धारा 2(ए)(1ए) तथा 3(1ए) के अनुसार सौंपे गये अधिकारों का प्रयोग करते हुए हरियाणा के राज्यपाल श्री बखताबर सिंह, पुत्र श्री द्योजी, गांव बाघोत, तहसील य ज़िला महेन्द्रगढ़, को रबी, 1978 से 150 रुपये वार्षिक वार्षिक कीमत वाली युद्ध जागीर सनद में दी गई शर्तों के अनुसार सहर्ष प्रदान करते हैं।